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4 SCOTT JOHNSON,
5 Plaintiff,
6 v.
7 TWIN PALMS APARTMENTS LLC,
8 Defendant.
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10 Case No. 21-cv-00594-SVK
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12 **ORDER FOR LIMITED RULE 56(D)
13 DISCOVERY; VACATING HEARING
14 ON MOTION FOR SUMMARY
15 JUDGMENT**

16 Re: Dkt. Nos. 23, 25
17

18 Before the Court is Plaintiff's request to continue the hearing on Defendant's motion for
19 summary judgment and to allow Plaintiff to conduct discovery pursuant to Fed. R. Civ. P. 56(d).
20 In its motion for summary judgment, Defendant sets forth compelling evidence of its efforts to
21 inform Plaintiff that the subject properties are not places of "public accommodation" within the
22 meaning of the relevant code sections and that Plaintiff ignored those efforts. Failure to engage in
23 addressing such a foundational issue only serves to increase costs of litigation and waste judicial
24 resources. It is therefore a very close call as to whether Plaintiff has exercised the requisite
25 diligence to be entitled to relief under Rule 56(d). Accordingly, the Court will allow two one-hour
26 depositions pursuant to Rule 30(b)(b), one deposition for each subject tenant, on the sole topic of
27 whether the subject properties are "places of public accommodation." The depositions are to be
28 set at Defendant's convenience in the next 45 days. Parties are to notify the Court upon
completion of the final deposition.

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1 Plaintiff's opposition to the motion for summary judgment will be due within 10 days of
2 completion of the final deposition. Defendant's reply will be due 7 days thereafter. The Court
3 will set a hearing if it deems it necessary.

4 **SO ORDERED.**

5 Dated: July 16, 2021

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8 SUSAN VAN KEULEN
9 United States Magistrate Judge

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United States District Court
Northern District of California